

IN THE COURT OF COMMON PLEAS FOR THE STATE OF DELAWARE

**ORDER AMENDING RULE 49
OF THE
COURT OF COMMON PLEAS CRIMINAL RULES OF PROCEDURE**

This 12th day of February, 2004, **IT IS ORDERED** that:

(1) Court of Common Pleas Criminal Rule 49 relating to “Service and Filing of Pleadings and other Papers” is amended to include the material underlined as follows:

RULE 49. Service and filing of papers.

(a) *Service: When required.* Written motions other than those which are heard ex parte, written notices, designations of record on appeal and similar papers shall be served upon each of the parties.

(b) *Service: How made.* Whenever under these rules or by an order of the Court service is required or permitted to be made upon a party represented by an attorney, the service shall be made upon the attorney unless service upon the party personally is ordered by the Court. Service upon the attorney or upon a party shall be made in the manner provided in civil actions.

(c) *Notice of orders.* Immediately upon the entry of an order made on a written motion subsequent to arraignment, the Clerk shall notify each party thereof and shall make a note in the docket of the notice. Lack of notice of the entry by the Clerk does not affect the time to appeal or relieve or authorize the Court to relieve a party for failure to appeal within the time allowed.

(d) *Filing.* Papers required to be served shall be filed with the Court, except as provided in Rule 16(d)(4). Papers shall be filed in the manner provided in civil actions. Except in the case of a party appearing pro se, or in the case of representation of a party by an attorney admitted pro hoc vice, all papers filed with this Court shall be signed by an attorney who is an active member of the Bar of the Delaware Supreme Court, and who maintains an office in Delaware for the practice of law as defined by Delaware Supreme Court Rule 12(d).

Chief Judge

Judge

Judge

Judge

Judge

Judge

Judge

Judge

Judge